

In re:)	Case No.	RS 04-14498 PC
)		
PLUMBEREX SPECIALTY)	Chapter	11
PRODUCTS, INC.,)		
)	Date:	May 19, 2005
)	Time:	9:30 a.m.
)	Place:	U.S. Bankruptcy Court
)		Courtroom 303
Debtor(s).)		3420 Twelfth Street
)		Riverside, CA 92501

FINAL RULING

The court approved Scillieri's employment on March 21, 2006, effective October 5, 2005. Scillieri rendered a total of 104.75 hours of services to the estate billed at an hourly rate of \$300. Scillieri's itemized services cover the period from October 5, 2004 through March 31, 2005.

1 11 U.S.C. Section 330(a)(1)(A) & (B) permits approval of “reasonable compensation for
2 actual, necessary services rendered by . . . [a] professional person, or . . . any para-professional
3 person” and “reimbursement for actual, necessary expenses.” During this period, Scillieri
4 assisted the debtor in conjunction with its appeal in the Patent case, and its services included an
5 analysis of the trial record, preparation of appellant's opening brief, analysis of Watertite's brief
6 as appellee, and preparation of appellant's reply brief.

8 Watertite objects to allowance of the fees because the application contains no time
9 records. Watertite further objects to allowance of the fees, claiming that Scillieri's services were
10 duplicative of services rendered by other professionals, Van Etten, Schaap, and BSKS, retained
11 to assist debtor in the Patent case. According to Watertite, Van Etten, Schaap, BSKS and
12 Scillieri together failed to exercise proper billing judgment on work performed for the estate.
13 Watertite notes, for example, that the firms billed over 400 hours on the Patent case during the
14 period for which interim fees are sought, aggregating to fees of over \$160,000.

16 In response to the objection, Scillieri supplemented its fee application with two billing
17 statements containing four pages of time records. Scillieri's time records are replete with lumped
18 time entries which do not meet the requirements of L.B.R. 2016-1(a)(1)(E).

20 Watertite's objection is sustained, in part, and denied, in part. In awarding fees under
21 section 330(a), the court must consider whether the services were necessary to the administration
22 of, or beneficial at the time at which the service was rendered toward completion of, a case under
23 title 11. 11 U.S.C. Section 330(a)(3)(C). In making such a determination, the court considers,
24 among other factors, whether the services were performed within a reasonable amount of time
25 commensurate with the complexity, importance, and nature of the problem, issue or task
26

1 addressed. 11 U.S.C. Section 330(a)(3)(D). Professionals employed under section 327 must
2 make a good faith effort to exclude from fee requests hours that are excessive, redundant,
3 unjustified, or otherwise unnecessary. Unsecured Creditors' Committee v. Puget Sound
4 Plywood, Inc., 924 F.2d 955, 961 (9th Cir. 1991); *see* In re Riverside Linden Inv. Co., 925 F.2d
5 320, 322 (9th Cir. 1991).

7 Scillieri has the burden of establishing that its services were compensable legal services,
8 and that such legal services were necessary to the proper and effective administration of the
9 estate. Here, Scillieri must provide evidence in the form of declarations and comprehensive time
10 records establishing that the legal services for which it seeks compensation did not duplicate
11 those rendered by Van Etten, Schapp, or BSKS, and that the firm exercised appropriate billing
12 judgment for its services when viewed in conjunction with those rendered by Van Etten, Schaap,
13 and BSKS on the Patent case. Without more information, the court is unable to make a finding
14 that all of such services were necessary nor that Scillieri has exercised proper billing judgment in
15 seeking compensation for such services.

17 Based on the foregoing, the court will approve an interim allowance and payment of
18 \$21,997 of the \$31,425 in compensation sought by Scillieri, without prejudice to Scillieri's right
19 to seek allowance and payment of the balance of \$9,428 in fees in a further application
20 addressing the concerns set forth above. The court will also approve \$245.80 as actual,
21 necessary expenses in this case. This interim fee allowance is subject to the court's
22 reexamination and adjustment in making a final determination of the nature, extent and value of
23 the services performed upon the conclusion of the case. Leichty v. Neary (In re Strand), 375
24 F.3d 854 (9th Cir. 2004).

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